

MONDAY, FEBRUARY 7, 2011

SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Representative Floyd.

Representative Floyd led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 93

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell – 93

**COMMUNICATION
JANUARY 27, 2011**

Rep. Ryan Haynes
106 War Memorial Building
Nashville, TN 37243

Re: Fiscal Review Committee

Dear Representative Haynes:

As Speaker of the House of Representatives, I am appointing you to serve as my designee to the Fiscal Review Joint Committee. You will serve as a nonvoting, ex officio member of the Fiscal review Committee. Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Fiscal Review Committee. James W. White, Executive Director of the Fiscal Review Committee will be contacting you in the near future regarding this appointment.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/Madam Speaker Beth Harwell

Cc: James W. White, Executive Director Fiscal Review Committee
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes
Tammy Letzler

**COMMUNICATION
JANUARY 27, 2011**

Rep. Joe Carr
109 Legislative Plaza
Nashville, TN 37243

Re: Commission on Aging and Disability

Dear Representative Carr:

As Speaker of the House of Representatives acting pursuant to Tennessee Code Annotated, § 71-2-104(c)(1)(H), I am appointing you to serve as a non-voting ex officio member of the Tennessee Commission on Aging and Disability. Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Tennessee Commission on Aging and Disability. Commission staff will be contacting you in the near future regarding this appointment.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Tennessee Commission on Aging and Disability
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

Tammy Letzler

**COMMUNICATION
JANUARY 27, 2011**

Rep. Ryan Haynes
106 War Memorial Building
Nashville, TN 37243

Re: Council on Pensions and Insurance

Dear Rep. Haynes:

Acting pursuant to Tennessee Code Annotated, § 3-9-101(d)(4), I am appointing you to serve as the House Speaker's designee on the Council on Pensions and Insurance. Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Council on Pensions and Insurance. Council staff will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Council on Pensions and Insurance
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

**COMMUNICATION
JANUARY 27, 2011**

Rep. Craig Fitzhugh
33 Legislative Plaza
Nashville, TN 37243

Re: Council on Pensions and Insurance

Dear Rep. Fitzhugh:

As Speaker of the House acting pursuant to Tennessee Code Annotated, § 3-9-101(a)(11), I am approving your appointment by Chairman Sargent of the House Finance, Ways and Means Committee, to serve as a member of the Council on Pensions and Insurance. Your term commences immediately and will expire on November 6, 2012.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

I am forwarding a copy of this letter to the Council on Pensions and Insurance. Council staff will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Council on Pensions and Insurance
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

**COMMUNICATION
JANUARY 27, 2011**

Rep. Johnny Shaw
36 Legislative Plaza
Nashville, TN 37243

Re: Council on Pensions and Insurance

Dear Rep. Shaw:

As Speaker of the House acting pursuant to Tennessee Code Annotated § 3-9-101(a)(11), I am approving your appointment by Chairman Sargent of the House Finance, Ways and Means Committee, to serve as a member of the Council on Pensions and Insurance. Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Council on Pensions and Insurance. Council staff will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Council on Pensions and Insurance
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.

Gregory Gleaves
Connie Ridley
Joseph A. Barnes

**COMMUNICATIONS
JANUARY 27, 2011**

Rep. Steve McDaniel
18A Legislative Plaza
Nashville, TN 37243

Re: Council on Pensions and Insurance

Dear Rep. McDaniel:

As Speaker of the House acting pursuant to Tennessee Code Annotated § 3-9-101(a)(11), I am approving your appointment by Chairman Sargent of the House Finance, Ways and Means Committee, to serve as a member of the Council on Pensions and Insurance. Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Council on Pensions and Insurance. Council staff will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Council on Pensions and Insurance
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

**COMMUNICATION
JANUARY 27, 2011**

Rep. Curtis Johnson
206A War Memorial Building
Nashville, TN 37243

Re: Council on Pensions and Insurance

Dear Rep. Johnson:

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

As Speaker of the House acting pursuant to Tennessee Code Annotated, § 3-9-101(a)(4), I am sending this letter to remind you that, as Secretary of the House Finance, Ways and Means Committee, you serve as a member of the Council on Pensions and Insurance. Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Council on Pensions and Insurance. Council staff will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Council on Pensions and Insurance
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

**COMMUNICATION
JANUARY 27, 2011**

Rep. Charles Sargent
206 War Memorial Building
Nashville, TN 37243

Re: Council on Pensions and Insurance

Dear Rep. Sargent:

As Speaker of the House acting pursuant to Tennessee Code Annotated, § 3-9-101(a)(4), I am sending this letter to remind you that, as chair of the House Finance, Ways and Means Committee, you serve as a member of the Council on Pensions and Insurance. Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Council on Pensions and Insurance. Council staff will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

Cc: Council on Pensions and Insurance
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

**COMMUNICATION
JANUARY 27, 2011**

Rep. Mike Harrison
206A War Memorial Building
Nashville, TN 37243

Re: Council on Pensions and Insurance

Dear Rep. Harrison:

As Speaker of the House acting pursuant to Tennessee Code Annotated, § 3-9-101(a)(4), I am sending this letter to remind you that, as Vice Chair of the House Finance, Ways and Means Committee, you serve as a member of the Council on Pensions and Insurance. Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Council on Pensions and Insurance. Council staff will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Council on Pensions and Insurance
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

**COMMUNICATION
JANUARY 27, 2011**

Rep. Charles M. Sargent
206 War Memorial Building
Nashville, TN 37243

Re: Tennessee Advisory Commission on Intergovernmental Relations (TACIR)

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Sargent:

As Speaker of the House acting pursuant to Tennessee Code Annotated, §4-10-103(a)(2), I am sending this letter to remind you that, as chair of the House Finance, Ways and Means Committee, you serve as an ex officio member of the Tennessee Advisory Commission on Intergovernmental Relations. Your new term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Tennessee Advisory Council on Intergovernmental Relations. Harry A. Green will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Harry Green – Advisory Commission on Intergovernmental Relations (TACIR)
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

**COMMUNICATION
JANUARY 27, 2011**

Rep. Vince Dean
107 War Memorial Building
Nashville, TN 37243

Re: Tennessee Advisory Commission on Intergovernmental Relations (TACIR)

Rep. Dean:

As Speaker of the House acting pursuant to Tennessee Code Annotated, §4-10-103(a)(4), I am appointing you to serve as a member of the Tennessee Advisory Commission on Intergovernmental Relations (TACIR). Your term commences immediately and will expire on November 6, 2012.

I am forwarding a copy of this letter to the Tennessee Advisory Commission on Intergovernmental Relations. Harry A. Green will be contacting you in the near future regarding this membership.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

Best Wishes,

/s/ Madam Speaker Beth Harwell

Cc: Harry Green – Advisory Commission on Intergovernmental Relations (TACIR)
Lt. Gov. Ron Ramsey
Richard Arnold, 8th Floor, Snodgrass Tower
Bill Mason, G-7 State Capitol Bldg.
Gregory Gleaves
Connie Ridley
Joseph A. Barnes

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 6 Rep(s). Gilmore as prime sponsor(s).

House Bill No. 122 Rep(s). Campbell as prime sponsor(s).

House Bill No. 130 Rep(s). Casada as prime sponsor(s).

House Bill No. 234 Rep(s). K. Brooks, Harrison, Weaver, Dennis and Stewart as prime sponsor(s).

**ENROLLED BILLS
January 18, 2011**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 13; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
January 18, 2011**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 1, 2 and 3; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
January 18, 2011**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 9, 10, 12, 15 and 17; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
January 19, 2011**

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 9, 10, 12, 15 and 17.

**SIGNED
January 20, 2011**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 1, 2, 3 and 13.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
January 20, 2011**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1, 2, 3 and 13; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK
January 20, 2011**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 1, 2, 3 and 13; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR
January 24, 2011**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 1, 2, 3 and 13; with his approval.

HERBERT H. SLATERY III, Legal Counsel to the Governor

NINETY-EIGHTH REPRESENTATIVE DISTRICT

A vacancy was created in the Ninety-Eighth Representative District on November 9, 2010 with the death of Representative Ulysses Jones, Jr.

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF SHELBY, TENNESSEE**

SESSION OF MONDAY, JANUARY 24, 2011

ITEM 9

RESOLUTION ELECTING AN INTERIM REPRESENTATIVE FOR DISTRICT 98 OF THE TENNESSEE HOUSE OF REPRESENTATIVES, SPONSORED BY COMMISSIONER MIKE CARPENTER.

WHEREAS, Article II, Section 15(a) of the Tennessee Constitution states that when a vacancy occurs and there is more than 12 months remaining prior to the next general election for legislators, a successor may be elected by the legislative body of the replaced legislator's county of residence at the time of his or her election; and

WHEREAS, It is the intent of the Shelby County Board of Commissioners to elect an Interim Representative for District 98 to fill the vacancy created by the untimely death of Representative Ulysses Jones; and

WHEREAS, The Shelby County Board of Commissioners has furnished the proper notice and secured the publication for said election to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That pursuant to Article II, Section 15(a) of the Tennessee Constitution, **ANTONIO PARKINSON** is hereby elected to serve as Interim Representative for District 98 of the Tennessee House of Representatives and shall hold said office until a successor is elected and qualified as provided by law.

BE IT FURTHER RESOLVED, That this Resolution shall take effect in accordance with the Shelby County Charter, Article II, Section 2.06(B).

/s/ Mark H. Luttrell, Jr.
Mark H. Luttrell, Jr.
County Mayor

Date: January 27, 2011

**Sealed by the Board of Commissioners
Shelby County, Tenn.**

ATTEST:

/s/ Carealine Tuggle
Clerk of the County Commission

ADOPTED: January 24, 2011

OATH OF OFFICE

Antonio Parkinson was administered the oath of office by Chief Justice Cornelia A. Clark of the Tennessee Supreme Court as prescribed by the State Constitution and Statutes of Tennessee.

RECOGNITION IN THE WELL

Representative Antonio Parkinson was recognized in the Well to express his appreciation to the members, the people of the Ninety-Eighth Representative District and the people of Tennessee.

PRESENT IN CHAMBER

Representative(s) Parkinson was/were recorded as being present in the Chamber.

PERSONAL ORDERS

The Speaker announced a survey had been spread on the members' desks, distributed at her request, and asked that each member fill out the survey and leave it on their desk or turn it in to the House Clerk's Office.

RULES SUSPENDED

Rep. Pitts moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 33 out of order, which motion prevailed.

House Joint Resolution No. 33 -- Memorials, Recognition - Coach Davey L. Whitney. by *Pitts, *Johnson P, *Johnson C.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pitts, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. K. Brooks moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 37 out of order, which motion prevailed.

House Joint Resolution No. 37 -- Memorials, Recognition - Pastor Maury Davis. by *Brooks K.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. K. Brooks, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 19 -- Taxes - Requests the commissioners of revenue and finance and administration to report their recommendations for improving the system of taxation. by *Hardaway.

House Commerce Committee

House Joint Resolution No. 20 -- Comptroller, State - Requests the comptroller and the commissioner of economic and community development to study pilot programs. by *Hardaway.

House State & Local Government Committee

House Joint Resolution No. 23 -- General Assembly, Statement of Intent or Position - Urges coaches of youth sports teams to take classes in first aid relative to the prevention, recognition, and treatment of concussions. by *Gilmore

House Education Committee

House Joint Resolution No. 31 -- Naming and Designating - Designates March 19, 2011, as "East Ridge High School Marching Band Alumni Day" in Tennessee. by *Dean.

House Education Committee

House Joint Resolution No. 32 -- Constitutional Amendments - As introduced prohibits public officials in Tennessee from taking any action that would violate the public policy that every person is free to choose or decline to choose any mode of securing health care services. by *Casada, Eldridge, Womick, Cobb, Butt, Halford, Ragan, Shipley, Rich, Sexton, Williams R, Sargent, Hurley, Evans, Hensley, Floyd, Faison, Holt, Marsh, Pody, Maggart, Niceley, Carr, Watson, Hill, Dean, Gotto, Elam, Sparks, Alexander, Forgety, Weaver

House Commerce Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 9, 2011:

House Resolution No. 6 -- Memorials, Personal Achievement - Matthew Dudiak, Eagle Scout. by *Carr.

House Resolution No. 7 -- Memorials, Personal Achievement - Matthew Owens, Eagle Scout. by *Carr.

House Resolution No. 8 -- Memorials, Personal Achievement - Austen Joseph Kiser, Eagle Scout. by *Carr.

House Resolution No. 9 -- Memorials, Personal Achievement - Brandon Lowery, Eagle Scout. by *Carr.

House Resolution No. 10 -- Memorials, Retirement - Sue Ann Head. by *Sargent, *Casada, *Johnson P, *Gotto.

House Resolution No. 11 -- Memorials, Recognition - National Wear Red Day, February 4, 2011. by *Gilmore.

House Resolution No. 12 -- Memorials, Recognition - National Black HIV Awareness Day, February 7, 2011. by *Gilmore.

House Resolution No. 13 -- Memorials, Recognition - Highland Federal Savings and Loan, 50th anniversary. by *Sexton.

House Joint Resolution No. 21 -- Memorials, Retirement - First Sergeant Terry D. Melton, Tennessee Army National Guard. by *Windle.

House Joint Resolution No. 22 -- Memorials, Recognition - The Dirty Dozen Men's Organization. by *Gilmore.

House Joint Resolution No. 24 -- Memorials, Recognition - Commemorates 25th observance of Martin Luther King, Jr. Day. by *Gilmore.

House Joint Resolution No. 25 -- Memorials, Retirement - Joe Reagan. by *Casada, *Sargent.

House Joint Resolution No. 26 -- Memorials, Retirement - Joe Sweeney. by *Casada, *Sargent.

House Joint Resolution No. 27 -- Memorials, Retirement - Robert Brooks. by *Harrison.

House Joint Resolution No. 28 -- Memorials, Sports - Surgoinsville Middle School, Area 1 TMSAA Class A Championship. by *Harrison.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

House Joint Resolution No. 29 -- Memorials, Personal Occasion - Carl Ketron Bailey, Sr., and Nora Bell Bailey, 50th wedding anniversary. by *Harrison.

House Joint Resolution No. 30 -- Memorials, Recognition - East Ridge High School marching band's 50th anniversary of the band's first graduating class. by *Dean.

House Joint Resolution No. 34 -- Memorials, Death - Ricky Wayne Woodard, Mayor of Westmoreland. by *McDonald.

House Joint Resolution No. 35 -- Memorials, Recognition - Dr. Chris Jones. by *Roach.

House Joint Resolution No. 36 -- Memorials, Recognition - Armsdale Farm. by *Butt.

House Joint Resolution No. 38 -- Memorials, Recognition - African American Heritage Society's tenth annual "Black Tie Affair" and the tenth anniversary of the opening of the McLemore House Museum. by *Casada, *Sargent.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 9, 2011:

Senate Joint Resolution No. 1 -- Memorials, Retirement - Colonel Mike Walker, Tennessee Highway Patrol. by *Henry.

Senate Joint Resolution No. 2 -- Memorials, Death - Monsignor George Rohling. by *Henry.

Senate Joint Resolution No. 3 -- Memorials, Death - Wayne Whitt. by *Henry.

Senate Joint Resolution No. 4 -- Memorials, Public Service - Dave Goetz, Commissioner of Finance and Administration. by *Henry.

Senate Joint Resolution No. 5 -- Memorials, Death - James Foster Neal. by *Henry.

Senate Joint Resolution No. 6 -- Memorials, Recognition - Nashville Public Library, 2010 National Medal for Museum and Library Services. by *Henry.

Senate Joint Resolution No. 7 -- Memorials, Death - James Ivan Potts. by *Tracy.

Senate Joint Resolution No. 11 -- Memorials, Death - Roy Skinner. by *Henry.

Senate Joint Resolution No. 14 -- Memorials, Professional Achievement - Dr. Cheryl Deaton, Tennessee Teacher of the Year. by *Overbey.

Senate Joint Resolution No. 19 -- Memorials, Sports - Volunteer High School marching band winning four first place trophies at the Outback Bowl 2011. by *Faulk.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 116** -- Consumer Protection - As introduced, requires any gift card or prepaid card issued as payment of a rebate to contain an expiration date conspicuously printed on the card. - Amends TCA Title 47, Chapter 18, Part 1. by *Hardaway.

***House Bill No. 117** -- Animal Control - As introduced, requires owners, harborers, and keepers of dangerous, vicious, or wild animals to restrain or confine such animals, and to post visible notice; establishes certain penalties and defenses for violations. - Amends TCA Title 39 and Title 44. by *Hardaway.

***House Bill No. 118** -- Schools, Charter - As introduced, expands student population eligible to attend charter schools to include certain children who have been in foster care. - Amends TCA Section 49-13-106 and Section 49-13-113. by *Hardaway.

House Bill No. 119 -- Parks, Natural Areas Preservation - As introduced, specifies that senior citizen discounts offered at state golf courses apply to persons who are at least 55 years old. - Amends TCA Title 11, Chapter 3, Part 1. by *Marsh.

House Bill No. 120 -- Motor Vehicles - As introduced, authorizes farmers and nursery workers to transport farm machinery and products without having a commercial driver license during times of emergency or disaster. - Amends TCA Title 55, Chapter 50, Part 4. by *Marsh.

***House Bill No. 121** -- Alcoholic Beverages - As introduced, allows Franklin Theatre to sell alcoholic beverages for consumption on premises. - Amends TCA Section 57-4-102. by *Sargent.

***House Bill No. 122** -- Income Tax - As introduced, increases amount of income exempt from Hall Income Tax; automatically increases amount of exempt income for inflation purposes beginning in 2012 and subsequent years; caps exemption at certain amounts. - Amends TCA Title 67, Chapter 2. by *Sargent, *Campbell.

***House Bill No. 123** -- Unemployment Compensation - As introduced, revises provisions governing eligibility for unemployment compensation for certain persons who provide certain services for an educational institution or its students. - Amends TCA Section 50-7-302. by *Sargent.

***House Bill No. 124** -- Zoning - As introduced, authorizes counties and municipalities to establish zoning districts or provisions for planned unit developments, overlay districts, mixed use developments, condominiums, and other types of sustainable design and development of property, and procedures for review and approval of such uses. - Amends TCA Section 13-7-201 and Section 13-7-101. by *Sargent, *Elam.

***House Bill No. 125** -- Annexation - As introduced, deletes provision permitting municipalities to provide extraterritorial zoning and subdivision regulation beyond their corporate limits with the approval of county legislative body in counties without zoning. - Amends TCA Section 6-58-106. by *Sargent, *Elam.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 126** -- Zoning - As introduced, requires zoning boards of appeals to make findings of fact, statements of material evidence, and statements of reasons for their actions as part of each motion or action and keep a public record of their resolutions, transactions, motions, actions, and determinations. - Amends TCA Section 13-7-107 and Section 13-7-205. by *Sargent, *Elam.

***House Bill No. 127** -- Planning, Public - As introduced, deletes provision allowing municipal and regional planning commissions to tentatively approve plats prior to road improvements and utility installations actually being made. - Amends TCA Title 13, Chapter 3, Part 4 and Title 13, Chapter 4, Part 3. by *Sargent, *Elam.

***House Bill No. 128** -- Safety - As introduced, removes requirement that alarm system monitoring companies perform alarm verifications prior to requesting law enforcement be dispatched to pharmacies. - Amends TCA Title 62, Chapter 32, Part 3. by *Marsh.

***House Bill No. 129** -- Motor Vehicles - As introduced, extends pilot program for certain municipalities to allow golf carts on certain public roads until July 1, 2013; includes Eagleville in the pilot program. - Amends TCA Title 55, Chapter 8, Part 2. by *Marsh.

***House Bill No. 130** -- Teachers, Principals and School Personnel - As introduced, abolishes teachers' unions ability to negotiate terms and conditions of professional service with local boards of education. - Amends TCA Section 5-23-107 and Title 49. by *Maggart, *Casada.

***House Bill No. 131** -- Bond Issues - As introduced, authorizes the state of Tennessee, acting by resolution of its funding board, to issue and sell its interest-bearing bonds and bond anticipation notes for certain purposes. by *Sargent.

***House Bill No. 132** -- Appropriations - As introduced, makes appropriations for the purpose of defraying the expenses of certain legislative enactments passed during the 2011 session of the 107th General Assembly. by *Sargent.

***House Bill No. 133** -- Lottery, Scholarships and Programs - As introduced, adds University of Tennessee System and Board of Regents as recipients of THEC's annual report on scholarship and grant programs data. - Amends TCA Title 4, Chapter 31; Title 4, Chapter 51; Title 8, Chapter 4; Title 9, Chapter 4 and Title 49. by *Sargent.

***House Bill No. 134** -- Appropriations - As introduced, assigns the state employee staff responsible for the administration of the group insurance for state officials and employees to the department of finance and administration; requires that grant payments under the grant assistance program for nursing home care be made monthly or quarterly instead of monthly. - Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 42; Title 43; Title 44; Title 45; Title 47; Title 48; Title 49; Title 50; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 61; Title 62; Title 63; Title 65; Title 66; Title 67; Title 68; Title 70 and Title 71. by *Sargent.

***House Bill No. 135** -- Appropriations - As introduced, requires federal economic recovery funds received during calendar year 2010 to be specifically appropriated by the general assembly. - Amends TCA Title 4; Title 8; Title 9 and Title 67. by *Sargent.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 136** -- Taxes, Sales - As introduced, deletes obsolete language for spring sales tax holiday. - Amends TCA Title 67. by *Sargent.

***House Bill No. 137** -- Taxes, Sales - As introduced, reduces from 90 to 60 days period in which dealer via signed statement can deduct on a return sales tax collected but not yet remitted to commissioner for refunded items. - Amends TCA Title 67. by *Sargent.

***House Bill No. 138** -- DUI Offenses - As introduced, lowers the DUI enhancement that would require an ignition interlock from .15 percent to .08 percent and removes the DUI enhancements that would require an ignition interlock relative to implied consent. - Amends TCA Title 38; Title 39; Title 40 and Title 55. by *Shipley.

***House Bill No. 139** -- DUI Offenses - As introduced, lowers the DUI enhancement that would require an ignition interlock from .15 percent to .08 percent and removes the DUI enhancements that would require an ignition interlock relative to implied consent. - Amends TCA Title 38; Title 39; Title 40 and Title 55. by *Shipley.

***House Bill No. 140** -- DUI Offenses - As introduced, clarifies various provisions of the ignition interlock requirements for certain DUI offenders. - Amends TCA Title 7; Title 29; Title 37; Title 38; Title 39; Title 40; Title 41; Title 49; Title 55; Title 68 and Title 71. by *Shipley.

***House Bill No. 141** -- DUI Offenses - As introduced, increases the classification of the offense for DUI with a child in the car from a Class A misdemeanor to a Class E felony; requires the court to report to the department of children's services the name of any person convicted of DUI who, at the time of such violation, was accompanied by a child and the person was the parent or legal guardian of such child. - Amends TCA Title 55. by *Shipley.

***House Bill No. 142** -- Criminal Offenses - As introduced, creates felony offenses for concealing, harboring, shielding from detection, transporting, or any attempt thereof, certain persons in this state; provides that certain property utilized in committing such offenses be subject to forfeiture. - Amends TCA Title 38; Title 39; Title 40; Title 41 and Title 50. by *Shipley.

***House Bill No. 143** -- Animal Control - As introduced, requires owners of dangerous and vicious dogs to secure minimal liability insurance. - Amends TCA Title 44, Chapter 8. by *Hardaway.

***House Bill No. 144** -- Education, Dept. of - As introduced, removes specific authority of department to request assistance from Tennessee Education Association with matters related to the Volunteer Public Education Trust Fund Act. - Amends TCA Section 49-3-404. by *Casada.

***House Bill No. 145** -- Education - As introduced, removes the Tennessee Education Association's recommendations from consideration by speaker of the house for appointment on the Tennessee financial literacy commission's board of directors. - Amends TCA Title 49, Chapter 7, Part 31. by *Casada.

***House Bill No. 146** -- Education, Dept. of - As introduced, adds representative of the Professional Educators of Tennessee to current eligibility list for appointment by commissioner of education to state-level safety team to assist with compliance with the SAVE Act. - Amends TCA Title 49, Chapter 6, Part 8. by *Casada.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 147** -- Education - As introduced, removes specific reference to Tennessee Education Association in permissible requests for assistance from state board of education and for speaker of the house's appointment to Tennessee financial literacy commission. - Amends TCA Title 49, Chapter 3, Part 4 and Title 49, Chapter 7, Part 31. by *Casada.

***House Bill No. 148** -- Economic and Community Development - As introduced, prohibits the consideration of specified acts of local governments in economic and community development evaluations. - Amends TCA Title 4, Chapter 3, Part 7 and Section 68-120-101. by *Forgety.

House Bill No. 149 -- Welfare - As introduced, prohibits persons convicted of a felony drug offense on and after July 1, 2011, from being eligible for receiving Families First benefits [TANF]. - Amends TCA Title 71, Chapter 3, Part 1. by *Carr.

House Bill No. 150 -- Lottery, Charitable - As introduced, extends deadline for applications for 2010-2011 annual events for five days after effective date of act. - Amends TCA Title 3, Chapter 17, Part 1. by *Carr.

***House Bill No. 151** -- Criminal Offenses - As introduced, provides that venue and territorial jurisdiction for the offense of identity theft may be where the victim resides or is located. - Amends TCA Title 38; Title 39 and Title 40. by *Marsh.

***House Bill No. 152** -- Highway Signs - As introduced, designates bridge on U.S. Highway 64 in Lincoln County as "William R. Carter Memorial Bridge.". by *Marsh.

House Bill No. 153 -- Motor Vehicles - As introduced, prohibits passengers under the age of five on motorcycles. - Amends TCA Section 55-8-164 and Section 55-9-303. by *Ramsey.

House Bill No. 154 -- Sexual Offenses - As introduced, provides that offense of soliciting the sexual exploitation of a minor can be prosecuted in this state against person located outside the state if the person solicited a law enforcement officer posing as a minor located within this state. - Amends TCA Title 39, Chapter 13, Part 5. by *Ramsey.

***House Bill No. 155** -- Criminal Procedure - As introduced, revises the castle doctrine to protect a person from criminal as well as civil liability in the use of force which is justified; directs the commissioner of commerce and insurance to determine whether there are impediments inhibiting insurance companies from underwriting coverage for such events. - Amends TCA Section 39-11-622 and Title 56. by *Ramsey.

***House Bill No. 156** -- Public Officials - As introduced, allows the governor to employ special counsel in certain situations and adds additional duties for the attorney general and reporter. - Amends TCA Title 8. by *Carr.

***House Bill No. 157** -- Drug and Alcohol Rehabilitation - As introduced, establishes licensure process for drug and alcohol counselors; grandfathered in certain drug and alcohol counselors. - Amends TCA Title 33, Chapter 10 and Title 68, Chapter 24, Part 6. by *Casada.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 158 -- Air Pollution - As introduced, exempts new and unused motor vehicles of model years of the current calendar year and of any calendar year within two years of such calendar year from motor vehicle inspection requirements. - Amends TCA Title 55, Chapter 4, Part 1 and Title 68, Chapter 201, Part 1. by *Casada.

***House Bill No. 159** -- Public Employees - As introduced, prohibits public employees from having a payroll deduction to a political action committee or for dues for membership organizations that use funds for political activities. - Amends TCA Title 3; Title 7 and Title 8. by *Casada.

***House Bill No. 160** -- Campaigns and Campaign Finance - As introduced, creates Class C misdemeanor for labor organization to contribute to candidates. - Amends TCA Title 2, Chapter 10. by *Casada.

House Bill No. 161 -- Pensions and Retirement Benefits - As introduced, permits retired firefighter, emergency medical or rescue worker, emergency medical technician, paramedic, state police officer, police officer, sheriff, or deputy sheriff to work no more than 200 days performing services typically performed by such employees and for which such retiree was trained to perform prior to retirement; provided that the retiree will not accrue any additional retirement credit during the retiree's temporary period of employment. - Amends TCA Section 8-36-805. by *Windle.

***House Bill No. 162** -- Charitable Solicitations - As introduced, exempts food banks from meeting the requirements concerning solicitation of charitable funds. - Amends TCA Section 48-101-502. by *Windle.

***House Bill No. 163** -- Workers Compensation - As introduced, removes the restriction prohibiting an affiliate of a construction services provider who has obtained a workers' compensation exemption from obtaining a workers' compensation exemption. - Amends TCA Title 50, Chapter 6. by *Pitts, *Curtiss.

***House Bill No. 164** -- Firearms and Ammunition - As introduced, requires notice of sales of confiscated firearms to be placed on Web site of county or municipality conducting such sale; requires such notice state that members of the public are invited to the sale. - Amends TCA Section 39-17-1317. by *Hall.

***House Bill No. 165** -- Utilities, Utility Districts - As introduced, establishes circumstances in which a nonutility may be regulated by the Tennessee Regulatory Authority following a sale or lease to the nonutility by a public utility. - Amends TCA Title 65, Chapter 4. by *Sargent.

***House Bill No. 166** -- Tennessee Regulatory Authority - As introduced, requires an association or corporation not organized or doing business for profit which provides water or sewer or both water and sewer for a residential development of single-family homes to be regulated by the TRA. - Amends TCA Title 65, Chapter 4. by *Sargent.

***House Bill No. 167** -- Sentencing - As introduced, adds to definition of first degree murder the killing of another while committing domestic abuse against victim where defendant has pattern of domestic abuse against victim or another family member. - Amends TCA Title 39, Chapter 13, Part 2. by *Coley, *McManus.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 168** -- Sentencing - As introduced, increases punishment for fourth or subsequent domestic assault or criminal violation or order of protection from Class A misdemeanor to Class E felony. - Amends TCA Title 39, Chapter 13, Part 1. by *Coley, *McManus, *Richardson.

***House Bill No. 169** -- Sentencing - As introduced, elevates killing of another while committing aggravated assault against a victim who has an order of protection or restraining order against the defendant to first degree murder under felony murder provision of first degree murder statute. - Amends TCA Title 39, Chapter 13, Part 2. by *Coley, *McManus.

***House Bill No. 170** -- Lottery, Scholarships and Programs - As introduced, revises Tennessee HOPE scholarship program to permit payment of the scholarship award during summer school as well as during fall and spring semesters. - Amends TCA Title 49, Chapter 4, Part 9. by *Coley.

***House Bill No. 171** -- Forfeiture of Assets - As introduced, provides that real and personal property used in commission of human trafficking offenses is subject to judicial forfeiture seizure and provides for disposition of funds from forfeited assets. - Amends TCA Title 39, Chapter 11, Part 7 and Title 39, Chapter 13, Part 3. by *Coley.

***House Bill No. 172** -- Criminal Offenses - As introduced, enacts the "National Human Trafficking Resource Center Hotline Act." - Amends TCA Title 39, Chapter 13, Part 3. by *Coley, *McManus, *Richardson.

House Bill No. 173 -- Judges and Chancellors - As introduced, requires election of all judges, including appellate and supreme court judges. - Amends TCA Title 17. by *Casada.

***House Bill No. 174** -- Malpractice - As introduced, establishes new requirements for medical malpractice actions in an emergency department of a hospital. - Amends TCA Title 29, Chapter 26. by *Casada.

***House Bill No. 175** -- Local Education Agencies - As introduced, allows LEAs to convert to a new form of school district to be known as an innovative school district. by *Brooks H.

House Bill No. 176 -- Tort Liability and Reform - As introduced, clarifies that a landowner who gives permission for use of land for recreational purposes owes no duty to the participant to give notice of hazardous conditions or to keep premises safe for such use except for known hazards or owner's gross negligence. - Amends TCA Title 70, Chapter 7. by *Marsh.

House Bill No. 177 -- Special License Plates - As introduced, creates new specialty license plate for Historic Collierville; funds from the sale of the plates to be allocated to Main Street Collierville. - Amends TCA Title 55, Chapter 4. by *Todd.

***House Bill No. 178** -- Bail, Bail Bonds - As introduced, creates the "Citizens' Right to Know: Pretrial Release Program" as a three-year pilot project in any county having a population in excess of 300,000. - Amends TCA Title 40. by *Todd.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 179** -- Local Education Agencies - As introduced, prohibits LEAs from denying equal access to LEA employees to all domestic professional employees' organizations offering membership to all certificated personnel. - Amends TCA Title 49, Chapter 2. by *Casada.

***House Bill No. 180** -- Criminal Offenses - As introduced, creates a Class D felony offense for possessing a prescription drug, which was acquired outside of Tennessee, with the intent to sell such drug. - Amends TCA Title 39; Title 40 and Title 53, Chapter 10, Part 1. by *Hawk.

***House Bill No. 181** -- Controlled Substances - As introduced, makes materials containing any quantity of ephedrine or pseudoephedrine a Schedule III controlled substance and exempts immediate methamphetamine precursors if they are not in form that can be used in manufacture of methamphetamine. - Amends TCA Title 39, Chapter 17, Part 4. by *Hawk.

***House Bill No. 182** -- Tort Liability and Reform - As introduced, enacts certain tort reforms. - Amends TCA Title 20; Title 22; Title 29 and Title 63. by *Sargent.

***House Bill No. 183** -- Tort Liability and Reform - As introduced, enacts certain tort reforms. - Amends TCA Title 20; Title 24; Title 29; Title 47 and Title 63. by *Sargent.

***House Bill No. 184** -- Education - As introduced, provides for re-establishment of elected office of school superintendent for counties or cities upon two-thirds vote of governing body; any such ordinance or resolution once approved is not operative until approved in an election; provides for qualifications of candidates. - Amends TCA Section 49-2-203 and Title 49, Chapter 2, Part 3. by *Windle.

***House Bill No. 185** -- Firearms and Ammunition - As introduced, permits UT or TBR's farm employees to carry weapons on farms owned, used or operated by public higher education institutions. - Amends TCA Section 39-17-1309. by *Windle.

***House Bill No. 186** -- Public Health - As introduced, requires hospitals to provide parents of newborns with certain information concerning Pertussis disease and immunizations. - Amends TCA Title 68, Chapter 5, Part 1. by *Maggart.

***House Bill No. 187** -- Vital Records - As introduced, provides for amendment of birth certificate to reflect a change in gender. - Amends TCA Section 68-3-203. by *Richardson.

***House Bill No. 188** -- Criminal Procedure - As introduced, adds as an advisory enhancement factor to sentencing that defendant intentionally chose victim of crime based on gender identity or expression. - Amends TCA Section 40-35-114. by *Richardson.

House Bill No. 189 -- Hazardous Materials - As introduced, beginning July 1, 2013, prohibits manufacture, sale, offer for sale or distribution in Tennessee of children's products that contain cadmium at more than .004 percent by weight. - Amends TCA Title 39; Title 47, Chapter 18 and Title 68. by *Richardson.

House Bill No. 190 -- Food and Food Products - As introduced, prohibits sale of baby food and infant formula in containers containing bisphenol A and sale of all food and beverages in reusable containers containing bisphenol A beginning January 1, 2012. - Amends TCA Title 47, Chapter 18; Title 53 and Title 68. by *Richardson.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 191** -- Highway Signs - As introduced, designates segment of U.S. Highway 70 in metropolitan Nashville as "THP Col. Elmer V. Craig Memorial Highway.". by *Gotto.

***House Bill No. 192** -- Bond Issues - As introduced, authorizes the state of Tennessee, acting by resolution of its funding board, to issue and sell its interest-bearing bonds and bond anticipation notes for certain purposes. by *Sargent.

***House Bill No. 193** -- Special License Plates - As introduced, creates new specialty license plate for the Harpeth River Watershed Association; allocates funds from the sale of the plates to protection of the Harpeth River and clean water in Tennessee. - Amends TCA Title 55, Chapter 4. by *Sargent.

House Bill No. 194 -- Newspapers and Publications - As introduced, requires the delivery of unsolicited newspapers and tabloids be suspended or terminated upon request of the owner or occupant of the property upon which such newspapers or tabloids are left. - Amends TCA Title 62. by *Brooks H.

***House Bill No. 195** -- Intellectual & Developmental Disabilities - As introduced, makes technical changes to remaining terms involving mental retardation and the division of intellectual disabilities services to reflect changes made by 2010 Public Chapters 734 and 1100. - Amends TCA Title 5; Title 10; Title 12; Title 13; Title 33; Title 40; Title 48; Title 49; Title 55; Title 56; Title 63; Title 68 and Title 71. by *Brooks H.

***House Bill No. 196** -- Driver Licenses - As introduced, extends authority for certain persons in Davidson County whose driver licenses have been suspended for failure to pay fines older than five years to pay outstanding judgment at reduced rate by payment plan over 10-month period. - Amends TCA Section 55-50-502. by *Gilmore.

***House Bill No. 197** -- Hospitals and Health Care Facilities - As introduced, requires a minimum of four hours of daily direct care to nursing home resident with 3.2 hours of nursing assistant care and 0.8 hours of licensed nursing care. - Amends TCA Title 68, Chapter 11. by *Gilmore.

***House Bill No. 198** -- Pharmacy, Pharmacists - As introduced, expands statute providing for a prescription drug label that indicates the condition for which the drug is prescribed from applying only to elder persons to apply to any patient. - Amends TCA Title 53, Chapter 10 and Title 63, Chapter 10. by *Gilmore.

***House Bill No. 199** -- Highway Signs - As introduced, designates segment of U.S. Highway 70 in metropolitan Nashville as "THP Col. Elmer V. Craig Memorial Highway.". by *Turner M.

House Bill No. 200 -- Criminal Offenses - As introduced, elevates assault by an inmate against a correctional officer or jailer from Class A misdemeanor to Class D felony aggravated assault if the assault results in sutures, medical procedure such as MRI or loss of work for day or more and establishes mandatory minimum incarceration of two years. - Amends TCA Title 39, Chapter 13, Part 1. by *Womick.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 201 -- Professions and Occupations - As introduced, authorizes sale of specified scrap metal with required documentation. - Amends TCA Title 62, Chapter 9. by *Womick.

***House Bill No. 202** -- Education, Dept. of - As introduced, authorizes department to request assistance, regarding matters related to the Volunteer Public Education Trust Fund Act, from any state-licensed classroom instructor instead of the Tennessee Education Association in general. - Amends TCA Section 49-3-404. by *Casada.

***House Bill No. 203** -- Education - As introduced, replaces the Tennessee Education Association's recommendations with any state-licensed classroom instructor for consideration by speaker of the house for appointment on the Tennessee financial literacy commission's board of directors. - Amends TCA Title 49, Chapter 7, Part 31. by *Casada.

House Bill No. 204 -- Forests and Forest Products - As introduced, prohibits clear cutting in state forests; applies to all contracts and leases entered into on and after date this bill becomes law. - Amends TCA Title 11 and Title 69, Chapter 3, Part 1. by *Fitzhugh.

House Bill No. 205 -- Unemployment Compensation - As introduced, excludes periods of temporary total disability under the workers' compensation law from calculation of base period for purposes of unemployment compensation. - Amends TCA Title 50, Chapter 6 and Title 50, Chapter 7. by *Harrison.

House Bill No. 206 -- Disabled Persons - As introduced, extends the time period that a permanent disabled parking placard is valid from two to five years and adjusts fee from \$3.00 to \$7.50. - Amends TCA Title 55, Chapter 21. by *Harrison.

***House Bill No. 207** -- Hawkins County - As introduced, subject to local approval, authorizes possession, storage, use, manufacture, transport, and sale of fireworks in Hawkins County. - Repeals Chapter 617 of the Private Acts of 1947. by *Harrison.

***House Bill No. 208** -- Animal Control - As introduced, broadens the purposes for which forfeited deposits to spay or neuter programs must be used. - Amends TCA Title 44, Chapter 17, Part 5. by *Harrison.

***House Bill No. 209** -- Local Government, General - As introduced, includes "real property" in the definition of "equipment" and allows the Tennessee local development authority to enter into a loan agreement with a county for the fair market value of certain real property. - Amends TCA Title 4, Chapter 31, Part 5. by *Harrison.

House Bill No. 210 -- Taxes, Inheritance Gift - As introduced, increases amount of inheritance tax exemption from current \$1 million to \$2 million for decedents dying in 2011 or later. - Amends TCA Title 67, Chapter 8. by *Weaver.

House Bill No. 211 -- Professions and Occupations - As introduced, exempts employees of state colleges and universities who provide locksmithing services at facilities operated by the board of trustees of the University of Tennessee or the state board of regents from locksmith licensure requirements. - Amends TCA Title 49 and Title 62, Chapter 11, Part 1. by *Marsh.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 212** -- Motor Vehicles - As introduced, requires animals be restrained while in the interior of a motor vehicle in motion. - Amends TCA Title 55, Chapter 8, Part 2. by *Cobb .

***House Bill No. 213** -- Children's Services, Dept. of - As introduced, authorizes the commissioner to institute dog training programs in juvenile facilities. - Amends TCA Title 37. by *Hardaway.

***House Bill No. 214** -- Orders of Protection - As introduced, requires a first time violator of an order of protection to attend mandatory counseling and pay for such counseling, in addition to optional counseling for the victim; imposes a \$3,000 fine for each subsequent violation in addition to other penalties. - Amends TCA Title 36, Chapter 3, Part 6; Title 39; Title 40 and Title 41. by *Hardaway.

***House Bill No. 215** -- Orders of Protection - As introduced, allows a court to order electronic tracking devices for first time violators of orders of protection; requires a court to order such devices for second and subsequent violations; all costs to be paid by the defendant. - Amends TCA Title 36, Chapter 3, Part 6; Title 39; Title 40 and Title 41. by *Hardaway.

***House Bill No. 216** -- Bail, Bail Bonds - As introduced, creates a special joint study committee to study this state's laws and amendments of such laws that affect persons released from incarceration. - Amends TCA Title 39; Title 40; Title 41 and Title 50. by *Hardaway.

House Bill No. 217 -- Election Laws - As introduced, prohibits spending of public funds on the support or opposition of any referendum. - Amends TCA Title 2. by *Casada.

***House Bill No. 218** -- Fireworks - As introduced, revises the current scheme of regulating the sale, possession, or use of consumer fireworks by local governments. - Amends TCA Title 68, Chapter 104. by *Dean.

***House Bill No. 219** -- Fireworks - As introduced, authorizes the city of East Ridge to permit the possession and retail sale of Class C common fireworks; regulates the sale of such fireworks in the city of East Ridge according to the provisions of title 68, chapter 104, part 1. by *Dean.

***House Bill No. 220** -- Highway Signs - As introduced, designates "Steve Karas Memorial Transportation Management Center" in Chattanooga. by *Dean.

House Bill No. 221 -- Special License Plates - As introduced, extends time period for meeting initial issuance requirements for T.C. Thompson Children's Hospital new specialty earmarked license plates until July 1, 2012. - Amends TCA Title 55, Chapter 4. by *Dean.

House Bill No. 222 -- Transportation, Dept. of - As introduced, authorizes TDOT to allow certain commercial advertising on incident response HELP trucks; proceeds deposited in highway fund. - Amends TCA Title 4, Chapter 3, Part 23 and Title 54. by *Dean.

House Bill No. 223 -- Transportation, Dept. of - As introduced, authorizes TDOT to allow certain commercial advertising on the Tennessee 511 system; proceeds deposited in highway fund. - Amends TCA Title 4, Chapter 3, Part 23 and Title 54. by *Dean.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 224** -- Criminal Offenses - As introduced, specifies that unlawful possession of certain weapons on public housing property is a Class A misdemeanor. - Amends TCA Title 39, Chapter 17. by *Gilmore.

***House Bill No. 225** -- General Assembly - As introduced, requires members of the general assembly to attend annual cultural awareness training. - Amends TCA Title 3, Chapter 1. by *Gilmore.

***House Bill No. 226** -- Education, Curriculum - As introduced, effective July 1, 2010, requires each local board of education to adopt an AIDS education program for its high schools. - Amends TCA Title 49, Chapter 6. by *Gilmore.

***House Bill No. 227** -- Alcoholic Beverages - As introduced, defines a restaurant located in a jurisdiction that has elected Tennessee River resort district status as having inside capacity of at least 40 and outside seating capacity of at least 75. - Amends TCA Section 57-4-102. by *Todd.

***House Bill No. 228** -- Drugs, Over the Counter - As introduced, clarifies that it is not a defense to the unlawful possession of drug paraphernalia that the object alleged to be drug paraphernalia has not yet been used or did not contain a controlled substance. - Amends TCA Title 38; Title 39; Title 40; Title 53; Title 63 and Title 68. by *Dunn.

House Bill No. 229 -- Education, Curriculum - As introduced, prohibits the teaching of or furnishing of materials on human sexuality other than heterosexuality in public school grades K-8. - Amends TCA Title 49, Chapter 6, Part 10. by *Dunn.

House Bill No. 230 -- Welfare - As introduced, requires TANF recipients to be tested for illegal drugs; restricts eligibility for benefits for one year after testing positive for an illegal drug. - Amends TCA Title 4, Chapter 3, Part 12; Title 4, Chapter 3, Part 18 and Title 71. by *Dunn.

House Bill No. 231 -- Courts, Supreme Court of Tennessee - As introduced, requires justices of the supreme court to be chosen by nonpartisan elections. - Amends TCA Title 2; Title 16 and Title 17. by *Dunn.

***House Bill No. 232** -- Mental Health, Dept. of - As introduced, removes option for use of state licensed private investigation company by an employee subject to a background check for organization licensed under the Mental Health, Developmental Disability, and Personal Support Services Licensure Law. - Amends TCA Section 33-2-1202. by *Dunn.

***House Bill No. 233** -- Education, Higher - As introduced, requires public institutions of higher education to give equal access to any domestic professional educators' organization if access to students in teacher training programs is granted to any other professional educators' organization. - Amends TCA Title 49, Chapter 5; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. by *Brooks H.

House Bill No. 234 -- Drugs, Over the Counter - As introduced, requires pharmacies and pharmacy personnel to use a national record keeping system to log certain drug sales and changes the rate at which an individual may buy methamphetamine precursors. - Amends TCA Section 39-17-431. by *Maggart, *Casada, *Sargent, *Coley, *Hill, *Womick, *Sexton, *Armstrong, *Todd, *Turner M, *Curtiss, *Tindell, *Johnson P, *Eldridge, *Montgomery, *Niceley, *Dean, *Brooks K, *Harrison, *Weaver, *Dennis, *Stewart.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 235** -- Taxes, Gasoline, Petroleum Products - As introduced, requires commissioner of TDOT to provide status report on certain highway projects to the chairmen of the transportation committees of the house and senate by November 1, 2011. - Amends TCA Title 67, Chapter 3. by *Harmon.

***House Bill No. 236** -- Traffic Safety - As introduced, imposes requirements on municipalities and counties for operation and new locations of traffic enforcement cameras. - Amends TCA Title 55, Chapter 8. by *Harmon.

***House Bill No. 237** -- Dams - As introduced, requires the department of environment and conservation to conduct, or have conducted, a study of dams in this state that are currently exempt from regulation under the Safe Dams Act because they are diversion weirs, farm ponds or wastewater impoundment barriers. - Amends TCA Title 64, Chapter 1; Title 64, Chapter 3 and Title 69, Chapter 11. by *Eldridge.

***House Bill No. 238** -- Hazardous Materials - As introduced, creates new offenses involving motor fuel transporters offloading motor fuel at a retail station. - Amends TCA Title 55, Chapter 8 and Title 65, Chapter 15. by *Eldridge.

House Bill No. 239 -- Boards and Commissions - As introduced, authorizes and encourages health related and regulatory boards to notify licensees within 30 days of a complaint being filed against them. - Amends TCA Title 62 and Title 63. by *Cobb .

House Bill No. 240 -- Sunset Laws - As introduced, extends the air pollution control board, June 30, 2012. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201, Part 1. by *Cobb .

House Bill No. 241 -- Sunset Laws - As introduced, extends the board of dietitian/nutritionist examiners, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 25, Part 1. by *Cobb .

House Bill No. 242 -- Sunset Laws - As introduced, extends the board of examiners for architects and engineers, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 2, Part 2. by *Cobb .

House Bill No. 243 -- Sunset Laws - As introduced, extends the board of examiners for nursing home administrators, June 30, 2016. - Amends amend TCA Title 4, Chapter 29 and Title 63, Chapter 16, Part 1. by *Cobb .

House Bill No. 244 -- Sunset Laws - As introduced, extends the board of nursing, June 30, 2016; reduces maximum period a member may serve on the board, from 12 to eight consecutive years. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 7, Part 2. by *Cobb .

House Bill No. 245 -- Sunset Laws - As introduced, extends the board of pharmacy, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 10, Part 3. by *Cobb .

House Bill No. 246 -- Sunset Laws - As introduced, extends the committee for clinical perfusionists, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Section 63-28-112. by *Cobb .

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 247 -- Sunset Laws - As introduced, extends the council for hearing instrument specialists, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 17, Part 2. by *Cobb .

House Bill No. 248 -- Sunset Laws - As introduced, extends the council on children's mental health care, June 30, 2014. - Amends TCA Title 4, Chapter 29, Part 2 and Title 37, Chapter 3, Part 1. by *Cobb .

House Bill No. 249 -- Sunset Laws - As introduced, extends termination date for the department of education to June 30, 2011. - Amends TCA Title 4, Chapter 29, Part 2 and Title 4, Chapter 3, Part 8. by *Cobb .

House Bill No. 250 -- Sunset Laws - As introduced, extends the emergency medical services board, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140, Part 5. by *Cobb .

House Bill No. 251 -- Sunset Laws - As introduced, extends the real estate appraiser commission, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 39, Part 2. by *Cobb .

House Bill No. 252 -- Sunset Laws - As introduced, extends the real estate commission, June 30, 2013; requires completion of continuing education classes prior to the reactivation of temporarily retired licenses. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 13. by *Cobb .

House Bill No. 253 -- Sunset Laws - As introduced, extends termination date for the state board of education to June 30, 2011. - Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1, Part 3. by *Cobb .

House Bill No. 254 -- Sunset Laws - As introduced, extends the state election commission, June 30, 2016. - Amends TCA Title 2, Chapter 11, Part 1 and Title 4, Chapter 29. by *Cobb .

House Bill No. 255 -- Sunset Laws - As introduced, extends the Tennessee auctioneer commission, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 19, Part 1. by *Cobb .

House Bill No. 256 -- Sunset Laws - As introduced, extends the Tennessee medical examiner advisory council, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 38, Chapter 7, Part 2. by *Cobb .

House Bill No. 257 -- Sunset Laws - As introduced, extends the Tennessee medical laboratory board, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 29, Part 1. by *Cobb .

House Bill No. 258 -- Sunset Laws - As introduced, extends the wildlife resources commission, June 30, 2012. - Amends TCA Title 4, Chapter 29 and Title 70, Chapter 1, Part 2. by *Cobb .

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 259 -- Sunset Laws - As introduced, extends the board of respiratory care, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 27, Part 1. by *Cobb .

House Bill No. 260 -- Sunset Laws - As introduced, extends the alcoholic beverage commission, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 57, Chapter 1, Part 1. by *Cobb .

House Bill No. 261 -- Sunset Laws - As introduced, creates sunrise provision for the judicial council, June 30, 2013; revises provisions governing legislative oversight authority of council. - Amends TCA Title 4, Chapter 29 and Title 16, Chapter 21, Part 1. by *Cobb .

House Bill No. 262 -- Boards and Commissions - As introduced, makes permissive instead of mandatory the provisions for the Home Builders Association of Tennessee, Inc. submitting list of recommended persons to the governor and the governor consulting with the association about its recommendations prior to the governor making appointment to the state board for licensing contractors. - Amends TCA Title 4, Chapter 29 and Section 62-6-104. by *Cobb .

House Bill No. 263 -- Audiologists and Speech Pathologists - As introduced, authorizes instead of requires that governor select the physician member of the board of communication disorders and sciences from list of nominees provided by Academy of Otolaryngology. - Amends TCA Title 4, Chapter 29 and Section 63-17-104. by *Cobb .

House Bill No. 264 -- Boards and Commissions - As introduced, authorizes instead of requires that governor select psychologist members of board of examiners in psychology from lists of nominees submitted by Tennessee Psychological Association, and select psychological examiner and senior psychological examiner board members from lists provided by Tennessee Association of Psychological Examiners. - Amends TCA Title 4, Chapter 29 and Section 63-11-102. by *Cobb .

House Bill No. 265 -- Funeral Directors and Embalmers - As introduced, authorizes instead of requires that governor select some members of board of funeral directors and embalmers from lists of nominees submitted by Tennessee Funeral Directors Association and Tennessee Funeral Directors and Morticians Association. - Amends TCA Title 4, Chapter 29 and Section 62-5-201. by *Cobb .

House Bill No. 266 -- Surveyors - As introduced, authorizes instead of requires that the governor select members of board of land survey examiners from lists of nominees submitted by Tennessee Association of Professional Surveyors. - Amends TCA Title 4, Chapter 29; Section 62-18-103 and Section 62-18-104. by *Cobb .

House Bill No. 267 -- Optometry - As introduced, clarifies that governor is authorized, but not required, to make appointments to the board of optometry from lists of nominees provided by the Tennessee Optometric Association. - Amends TCA Title 4, Chapter 29 and Section 63-8-105. by *Cobb .

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 268 -- Veterinarians - As introduced, requires governor to consult with Tennessee Veterinary Medical Association, which under current law may recommend licensed doctors of veterinary medicine and licensed veterinary technicians for appointment to the board, prior to making appointments to board of veterinary medical examiners. - Amends TCA Title 4, Chapter 29 and Section 63-12-104. by *Cobb .

House Bill No. 269 -- Boards and Commissions - As introduced, authorizes instead of requires that governor select members of the petroleum underground storage tank board from lists of nominees submitted by the Tennessee Association of Business, Tennessee Petroleum Council, Tennessee Oil Marketers Association, Tennessee Environmental Council and Tennessee Municipal League; requires governor to consult with such entities prior to making appointments. - Amends TCA Title 4, Chapter 29 and Section 68-215-112. by *Cobb .

House Bill No. 270 -- Solid Waste Disposal - As introduced, authorizes instead of requires that governor select members of solid waste disposal control board from lists of nominees submitted by Tennessee Manufacturers Association, public higher education institutions, Tennessee Environmental Council, county services association, Farm Bureau, TML and Tennessee Automotive Association. - Amends TCA Title 4, Chapter 29 and Section 68-211-111. by *Cobb .

House Bill No. 271 -- Water Authorities - As introduced, authorizes instead of requires that governor select members of water quality control board from lists of nominees submitted by Tennessee Conservation League, county services association, Farm Bureau, TML, Tennessee Automotive Association and Tennessee Association of Business. - Amends TCA Title 4, Chapter 29 and Section 69-3-104. by *Cobb .

House Bill No. 272 -- Boards and Commissions - As introduced, repeals creating authority for Watkins Institute commission. - Amends TCA Title 4, Chapter 29 and Section 49-50-701. by *Cobb .

***House Bill No. 273** -- Highway Signs - As introduced, designates bridge on S.R 295 in Pickett County as "James "Jim" Harrison South Memorial Bridge.". by *Keisling.

House Bill No. 274 -- Highway Signs - As introduced, designates segment of S.R. 135 in Clay County as "Jerry Lee Denton Memorial Highway.". by *Keisling.

***House Bill No. 275** -- Recycling - As introduced, changes the size requirements of the posted notice for a metals recycling facility. - Amends TCA Title 39. by *Dennis.

***House Bill No. 276** -- Museums - As introduced, requires annual report of the Tennessee Agricultural Museum to be submitted to the commerce, labor and agriculture committee of the senate and the agriculture committee of the house of representatives. - Amends TCA Title 43. by *Dennis.

***House Bill No. 277** -- Health, Dept. of - As introduced, authorizes the director of the division of health related boards to maintain a central file of paper and electronic documents and to receive notice of meetings of agencies within the division. - Amends TCA Title 63. by *Dennis.

***House Bill No. 278** -- Consumer Protection - As introduced, revises procedures relative to promulgation of rules by the division of consumer affairs. - Amends TCA Title 47. by *Dennis.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 279** -- Game and Fish Laws - As introduced, increases from one to two the number of free sport fishing days. - Amends TCA Title 70. by *Dennis.

***House Bill No. 280** -- Taxes, Sales - As introduced, authorizes repeal of Tennessee River Resort District status by two-thirds vote of legislative body of jurisdiction. - Amends TCA Section 67-6-103. by *Dennis.

***House Bill No. 281** -- Criminal Offenses - As introduced, includes appointing someone as a member or chairman of, or to a leadership position on, a committee, board or other governmental body within the definition of "pecuniary interest" for purposes of the bribery statutes. - Amends TCA Title 39, Chapter 16, Part 1. by *Dennis.

***House Bill No. 282** -- State Employees - As introduced, requires any group health insurance plan for state officials and employees to meet the requirements of a high deductible health plan as defined by 26 U.S.C. Section 223. - Amends TCA Title 8, Chapter 27, Part 2. by *Dennis.

***House Bill No. 283** -- Employees, Employers - As introduced, provides that an employer permitting a person with a handgun carry permit to carry a handgun on the employer's property does not constitute an occupational safety and health hazard to the employees. - Amends TCA Title 50, Chapter 3. by *Dennis.

House Bill No. 284 -- Newspapers and Publications - As introduced, creates a pilot project in Knox County to allow legal notices to be posted on the Internet rather than in a newspaper. - Amends TCA Title 8, Chapter 21. by *Dennis.

House Bill No. 285 -- Judicial Officers - As introduced, creates office of solicitor general to defend and prosecute cases in the interest of the state; revises duties of attorney general and reporter. - Amends TCA Title 8. by *Dennis.

House Bill No. 286 -- Tort Liability and Reform - As introduced, enacts the "Jobs Creation Lawsuit Reform Act." - Amends TCA Title 20; Title 28; Title 29; Title 47, Chapter 18 and Title 63, Chapter 6. by *Dennis.

***House Bill No. 287** -- Safety - As introduced, revises the licensing of elevators. - Amends TCA Title 68, Chapter 121. by *McDonald.

***House Bill No. 288** -- Controlled Substances - As introduced, makes materials containing any quantity of ephedrine or pseudoephedrine a schedule III controlled substance and exempts immediate methamphetamine precursors if they are not in form that can be used in manufacture of methamphetamine. - Amends TCA Title 38; Title 39 and Title 40. by *McDonald.

***House Bill No. 289** -- Recycling - As introduced, enacts the "Tennessee Beverage Container Recycling Refunds Act," whereby certain procedures, processes, and fees are described for the recycling of waste; creates a deposit system for the recycling of certain beverage containers. - Amends TCA Title 68, Chapter 211 and Chapter 616 of the Public Acts of 2010. by *McDonald.

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 290** -- Water Pollution - As introduced, prohibits issuance of a water quality control permit that would alter any ridgeline that is more than 2,000 feet above sea level. - Amends TCA Title 59 and Title 69, Chapter 3, Part 1. by *McDonald.

***House Bill No. 291** -- Water Pollution - As introduced, prohibits issuance of a water quality control permit that would alter any ridgeline that is more than 2,000 feet above sea level. - Amends TCA Title 59 and Title 69, Chapter 3, Part 1. by *McDonald.

House Bill No. 292 -- Drugs, Prescription - As introduced, creates a medication monitoring process to ensure the safety of certain drug therapies. - Amends TCA Title 53, Chapter 10. by *Maggart.

***House Bill No. 293** -- Taxes, Sales - As introduced, clarifies the taxation of food and food ingredients by referencing the definition. - Amends TCA Title 67, Chapter 6, Part 1; Title 67, Chapter 6, Part 2 and Title 67, Chapter 6, Part 3. by *Richardson.

House Bill No. 294 -- Controlled Substances - As introduced, enacts the "Safe Access to Medical Cannabis Act." - Amends TCA Title 39; Title 63 and Title 68. by *Richardson.

***House Bill No. 295** -- Taxes, Sales - As introduced, exempts from sales tax used clothing sold by a 501(c)(3) organization. - Amends TCA Title 67, Chapter 6, Part 1; Title 67, Chapter 6, Part 2 and Title 67, Chapter 6, Part 3. by *Richardson.

***House Bill No. 296** -- Mental Health, Dept. of - As introduced, requires the department of mental health to report to legislative committees on a monthly rather than quarterly basis on the impact of the available suitable accommodations statutes. - Amends TCA Title 33. by *Richardson.

House Bill No. 297 -- Pharmacy, Pharmacists - As introduced, enacts the "Tennessee Medication Therapy Monitoring and Management Act of 2011." - Amends TCA Title 53. by *Maggart.

House Bill No. 298 -- State Employees - As introduced, reinstates certain pay and retirement benefits for commissioned officers transferred from department of safety to department of revenue. - Amends TCA Title 4, Chapter 7, Part 2 and Title 8, Chapter 36, Part 2. by *Roach, *Dennis.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 53** -- Highway Signs -- House Transportation Committee

House Bill No. 54 -- School Districts, Special -- House Education Committee

House Bill No. 55 -- Highway Signs -- House Transportation Committee

***House Bill No. 56** -- Capitol -- House State & Local Government Committee

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 57** -- Drug and Alcohol Rehabilitation -- House Caption Bills Held on House Desk

House Bill No. 58 -- Special License Plates -- House Transportation Committee

House Bill No. 59 -- Clerks, Court -- House Judiciary Committee

***House Bill No. 60** -- Veterans -- House State & Local Government Committee

***House Bill No. 61** -- Motor Vehicles -- House Transportation Committee

***House Bill No. 62** -- Fines and Penalties -- House State & Local Government Committee

***House Bill No. 63** -- Law Enforcement -- House Transportation Committee

***House Bill No. 64** -- Traffic Safety -- House Transportation Committee

***House Bill No. 65** -- Fines and Penalties -- House State & Local Government Committee

***House Bill No. 66** -- Credit and Debit Cards -- House Caption Bills Held on House Desk

***House Bill No. 67** -- Registers of Deeds -- House Caption Bills Held on House Desk

***House Bill No. 68** -- Mortgages -- House Caption Bills Held on Desk

***House Bill No. 69** -- Finance and Administration, Dept. of -- House Finance, Ways & Means Committee

***House Bill No. 70** -- Consumer Protection -- House Consumer & Employee Affairs Committee

***House Bill No. 71** -- Funeral Directors and Embalmers -- House Commerce Committee

***House Bill No. 72** -- Professions and Occupations -- House State & Local Government Committee

***House Bill No. 73** -- Funeral Directors and Embalmers -- House Commerce Committee

***House Bill No. 74** -- Election Laws -- House State & Local Government Committee

***House Bill No. 75** -- Funeral Directors and Embalmers -- House Commerce Committee

***House Bill No. 76** -- Finance and Administration, Dept. of -- House Finance, Ways & Means Committee

***House Bill No. 77** -- Education -- House Education Committee

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 78** -- Lottery, Scholarships and Programs -- House Education Committee

***House Bill No. 79** -- Scholarships and Financial Aid -- House Education Committee

***House Bill No. 80** -- Law Enforcement -- House Judiciary Committee

***House Bill No. 81** -- Motor Vehicles -- House Transportation Committee

***House Bill No. 82** -- Landlord and Tenant -- House Commerce Committee

***House Bill No. 83** -- Domestic Violence -- House Judiciary Committee

***House Bill No. 84** -- Correction, Dept. of -- House State & Local Government Committee

***House Bill No. 85** -- Adoption -- House Children and Family Affairs Committee

***House Bill No. 86** -- School Transportation -- House Judiciary Committee

***House Bill No. 87** -- Criminal Offenses -- House Consumer & Employee Affairs Committee

***House Bill No. 88** -- Transportation, Dept. of -- House Transportation Committee

***House Bill No. 89** -- Animal Control -- House Agriculture Committee

***House Bill No. 90** -- Child Custody and Support -- House Children and Family Affairs Committee

***House Bill No. 91** -- Pensions and Retirement Benefits -- House Finance, Ways & Means Committee

***House Bill No. 92** -- Child Custody and Support -- House Children and Family Affairs Committee

***House Bill No. 93** -- Taxes, Privilege -- House Caption Bills Held on House Desk

***House Bill No. 94** -- Animal Control -- House Agriculture Committee

***House Bill No. 95** -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 96** -- Energy -- House Commerce Committee

***House Bill No. 97** -- Insurance, Health, Accident -- House Commerce Committee

***House Bill No. 98** -- Criminal Offenses -- House Agriculture Committee

***House Bill No. 99** -- Animal Control -- House Agriculture Committee

***House Bill No. 100** -- Taxes, Exemption and Credits -- House Finance, Ways & Means Committee

MONDAY, FEBRUARY 7, 2011 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 101** -- Local Government, General -- House State & Local Government Committee

***House Bill No. 102** -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 103** -- Juvenile Offenders -- House Caption Bills Held on House Desk

***House Bill No. 104** -- Taxes, Privilege -- House Finance, Ways & Means Committee

***House Bill No. 105** -- Lottery, Scholarships and Programs -- House Education Committee

***House Bill No. 106** -- Lottery, Scholarships and Programs -- House Education Committee

***House Bill No. 107** -- Landlord and Tenant -- House Commerce Committee

***House Bill No. 108** -- Education -- House Education Committee

***House Bill No. 109** -- Education -- House Education Committee

***House Bill No. 110** -- Students -- House Education Committee

***House Bill No. 111** -- Lottery, Scholarships and Programs -- House Education Committee

***House Bill No. 112** -- Consumer Protection -- House Consumer & Employee Affairs Committee

***House Bill No. 113** -- Game and Fish Laws -- House Conservation & Environment Committee

***House Bill No. 114** -- County Officers -- House State & Local Government Committee

House Bill No. 115 -- Insurance, Health, Accident -- House Commerce Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 3, 2011**, reported the following:

EDUCATION COMMITTEE

The Education Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 51, with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS & MEANS COMMITTEE

The Finance, Ways & Means Committee recommended for passage: House Bill(s) No(s). 51. Under the rules, each was transmitted to the Calendar and Rules Committee.

PRESENT IN CHAMBER

Representative(s) Favors and Brown was/were recorded as being present in the Chamber.

CONSENT CALENDAR

House Resolution No. 5 -- Memorials, Recognition - 100th anniversary of Ronald Reagan's birth. by *Matlock.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 40 out of order which motion prevailed.

House Joint Resolution No. 40 -- General Assembly, Joint Conventions - Governor's state of the state address Monday, March 14, 2011. by *McCormick.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McCormick, the resolution was adopted.

A motion to reconsider was tabled.

REPORT FROM SELECT COMMITTEE

Rep. McDaniel announced that spread on each Member's desk was a copy of the rules changes as proposed during the February 1, 2011 and February 7, 2011 meetings of the House Select Committee on Rules.

BILLS WITHDRAWN

On motion of Rep. Gilmore **House Bill No. 224** was withdrawn from the House.

On motion of Rep. Sargent **House Bill No. 131** was withdrawn from the House.

On motion of Rep. Sargent **House Bill 135** was withdrawn from the House.

ANNOUNCEMENTS

REPORTS FILED

The Clerk announced the proposed amendments to the Rules of Civil Procedure, the Rules of Criminal Procedure, the Rules of Appellate Procedure and the Rules of Evidence were filed with the Clerk's Office, and the same is available for review.

Also, the Clerk announced the Annual Report from the Regulatory Relief Task Force had been filed with the Clerk's Office, and the same is available for review.

Madam Speaker Harwell announced she had appointed Representative Parkinson to the House Committee on Children and Family Affairs and the House Committee on the State and Local Government; as well as, Representative White to the Health and Human Resources Committee, Representatives White and Odom to the General Subcommittee on Health, and Representatives Kernell, Sontany and Bass to the House Ethics Committee.

Madam Speaker Harwell also announced that Representatives K. Williams and Casada will no longer serve on the House Committee on Children and Family Affairs and that Representative Dean will no longer serve on the House Ethics Committee.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Shepard.

PRESENT IN CHAMBER

Representative(s) Tindell was/were recognized as being present in the Chamber.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 5: Rep(s). K. Brooks, Hurley, Faison, Campbell, Dunn, Hill, Evans, Weaver and Rich as prime sponsor(s).

House Joint Resolution No. 37: Rep(s). M. Turner, Dean, Maggart, Casada, Evans, Matlock and Sargent as prime sponsor(s).

House Bill No. 230: Rep(s). Matlock as prime sponsor(s).

**ENGROSSED BILLS
February 7, 2011**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 33 and 37.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS
February 7, 2011**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution No. 40.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
February 7, 2011**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 5; and find same correctly enrolled and ready for the signatures of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
February 7, 2011**

The Speaker announced that she had signed the following: House Resolution No. 5.

BETTY KAY FRANCIS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE
February 7, 2011

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7, 11, 14 and 19; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 1 -- Memorials, Retirement - Colonel Mike Walker, Tennessee Highway Patrol. by *Henry, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Haile, *Harper, *Haynes, *Herron, *Johnson, *Kelsey, *Ketron, *Kyle, *Marrero, *McNally, *Norris, *Overbey, *Southerland, *Summerville, *Tate, *Tracy, *Watson, *Woodson, *Yager, *Ramsey.

Senate Joint Resolution No. 2 -- Memorials, Death - Monsignor George Rohling. by *Henry, *Haynes, *Harper, *Kyle.

Senate Joint Resolution No. 3 -- Memorials, Death - Wayne Whitt. by *Henry, *Haynes, *Harper, *Kyle.

Senate Joint Resolution No. 4 -- Memorials, Public Service - Dave Goetz, Commissioner of Finance and Administration. by *Henry, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Haile, *Harper, *Haynes, *Herron, *Johnson, *Kelsey, *Ketron, *Kyle, *Marrero, *McNally, *Norris, *Overbey, *Southerland, *Stewart, *Summerville, *Tate, *Tracy, *Watson, *Woodson, *Yager, *Ramsey.

Senate Joint Resolution No. 5 -- Memorials, Death - James Foster Neal. by *Henry, *Berke, *Haynes, *Harper, *Faulk, *Overbey, *Kyle.

Senate Joint Resolution No. 6 -- Memorials, Recognition - Nashville Public Library, 2010 National Medal for Museum and Library Services. by *Henry, *Haynes, *Harper, *Kyle.

Senate Joint Resolution No. 7 -- Memorials, Death - James Ivan Potts. by *Tracy.

Senate Joint Resolution No. 11 -- Memorials, Death - Roy Skinner. by *Henry, *Berke, *Haynes, *Harper, *Herron, *Kyle.

Senate Joint Resolution No. 14 -- Memorials, Professional Achievement - Dr. Cheryl Deaton, Tennessee Teacher of the Year. by *Overbey.

Senate Joint Resolution No. 19 -- Memorials, Sports - Volunteer High School marching band winning four first place trophies at the Outback Bowl 2011. by *Faulk.

MESSAGE FROM THE SENATE
February 7, 2011

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill No. 25; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 25 -- Local Education Agencies - As enacted, prescribes procedures to govern the abolition of certain special school districts; requires comprehensive transition plan; lifts ban on creation of municipal and special school districts in any county to which this act applies. by *Norris.

**MESSAGE FROM THE SENATE
February 7, 2011**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 4, 5, 8, 9, 11, 12, 33 and 37; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 99

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

RECESS MOTION

On motion of Rep. McCormick the House stood in recess until 9:00 a.m., Wednesday, February 9, 2011.